

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 18 1998

DAVID J. MULAND, CLERK

THE STATE OF TEXAS,
Plaintiff,

CIVIL NO.: 5:96-CV-0091

v.

JUDGE: DAVID FOLSOM

THE AMERICAN TOBACCO
COMPANY, ET AL.,
Defendants.

MAGISTRATE JUDGE:
WENDELL C. RADFORD

DALLAS COUNTY, DALLAS COUNTY HOSPITAL DISTRICT, EL PASO COUNTY,
EL PASO COUNTY HOSPITAL DISTRICT AND HARRIS COUNTY, HARRIS
COUNTY HOSPITAL DISTRICT'S BRIEF IN FAVOR OF THE COURT'S
CONSIDERATION OF THE 97 TEXAS COUNTIES AMICUS CURIAE
BRIEF PERTAINING TO THE SETTLEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Dallas County, Dallas County Hospital District, El Paso County, El Paso County Hospital District, Harris County and Harris County Hospital District, Movants, file this Brief supporting the Court's consideration of the 97 Texas Counties Amicus Curiae Brief Pertaining to the Settlement in the above-referenced case and in furtherance thereof, would respectfully show the Court as follows:

1. The 97 Counties' amicus brief parallels the arguments raised by Movants in this case. Movants have no objection to the Court considering the amicus brief. Movants agree with the amici that the Court should rule that the claims of Texas counties, and hospital districts, have not been litigated or settled in this case.

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Respectfully submitted,

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Bob Ries (by permission)
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DALLAS COUNTY HOSPITAL DISTRICT, EL
PASO COUNTY AND EL PASO COUNTY
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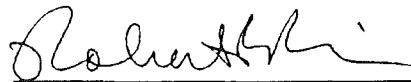
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OF COUNSEL FOR HARRIS COUNTY AND
HARRIS COUNTY HOSPITAL DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 1998, a true and correct copy of the foregoing document has been forwarded to all known counsel of record in accordance with the provisions of Fed. R. Civ. P. 5 and the Case Management Order.



Robert R. Ries